

ALAN R. SMITH, ESQ.
Nevada Bar No. 1449
KEVIN A. DARBY, ESQ.
Nevada Bar No. 7670
Law Offices of Alan R. Smith
505 Ridge Street
Reno, Nevada 89501
Telephone (775) 786-4579
Facsimile (775) 786-3066
Email: mail@asmithlaw.com

Electronically Filed - March 1, 2007

Attorneys for Lenders Protection Group

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

—ooOoo—

In re:
USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

In re:
USA CAPITAL REALTY ADVISORS,
LLC,

Debtor.

JOINTLY ADMINISTERED
Chapter 11
Hearing Date: March 1, 2007
Hearing Time: 9:30 a.m.

In re:
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

Debtor.

**DECLARATION OF DONALD H.
PINSKER IN SUPPORT OF
MOTION FOR LIMITED STAY
PENDING APPEAL**

In re:
USA FIRST TRUST DEED FUND, LLC,

Debtor.

In re: USA SECURITIES, LLC,
Debtor.

Affects: All Debtors

I, DONALD H. PINSKER, being first duly sworn, do depose and say under the penalty of perjury:

1. I am a creditor in the USA Commercial Mortgage Company ("USACM") bankruptcy case (BK-S-06-10725-LBR) with claims classified as A-4 (General Unsecured Claims) and A-5 (Direct Lender Compromise Claims) classified in Debtors' Third Amended Joint Chapter 11 Plan of Reorganization filed herein on November 15, 2006.

2. I have knowledge of and am competent to testify to the matters stated herein.

3. Attached hereto as Exhibit A are true and correct copies of the loan and or check statements which I received from the Debtor.

4. As detailed in Exhibit A, the Debtors have taken and are holding my property, namely portions of post-petition payments made by third-party borrowers to me as a lender, which payments are processed by Debtor USACM, as a loan servicer.

I hereby swear under penalty of perjury that the assertions of this Declaration are true.

DATED: February 28, 2007

Acct. #6386
DONALD H. PINSKER, AN UNMARRIED MAN, AND
SHERRYL R. PINSKER, A SINGLE WOMAN, AS JOINT
TENANTS WITH THE RIGHTS OF SURVIVORSHIP

Legal Vesting Name

By: Donald H. Pinsker
Name

USA Commercial Mortgage Company
as Loan Servicing Agent for Loans Listed Below

Check Statement for January 1, 2007 through January 31, 2007**Account ID: 6386**

Donald H. Pinsker, an unmarried man, and Sherry R. Pinsker, a single woman, as joint tenants with the rights of survivorship

8650 W Verde Way
Las Vegas, NV 89149

Loan Name	Principal Received in Current Period	Prior Period Principal Due to (from) Investor	Net Interest Received in Current Period	Prior Period Interest Due to (from) Investor	Total Due to (from) Investor
6425 Gess, LTD	\$0.00	\$0.00	\$0.00	(\$1,741.19)	(\$1,741.19)
Seastar, LLC	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Bundy Canyon \$2,500,000	\$0.00	\$0.00	\$0.00	\$8.60	\$8.60
Del Valle Isleton	\$0.00	\$0.00	\$0.00	\$4.60	\$4.60
SVRB \$4,500,000	\$0.00	\$0.00	\$0.00	\$4.33	\$4.33
	\$0.00	\$0.00	\$0.00	(\$1,723.65)	(\$1,723.65)

Net Check Amount (\$1,723.65)

The current period is the period covered by the statement.

The prior period reflects the amounts netted or held back post-petition.

This statement is provided for information purposes only and is intended for the sole benefit of the named vested party.

This statement is not intended to represent a loan payoff quote.

USACM reserves the right to update and supplement this statement.

THIS STATEMENT REFLECTS THE STATUS THROUGH JANUARY 31, 2007